



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119  
ph: (801) 977-4300; Fax: (801) 977-4397  
[www.ut.blm.gov/saltlake\\_fo](http://www.ut.blm.gov/saltlake_fo)



IN REPLY REFER TO:  
3809 UTU-72296  
(UTW012)

SEP 30 2009

RECEIVED

OCT 01 2009

Certified Mail No. 7008 3230 0002 7182 4733  
Return Receipt Requested

DIV. OF OIL, GAS & MINING

Mr. William Bown : 43 CFR 3809 Plan of Operations  
Bonneville Quarries, Inc. :  
842 West 400 North :  
West Bountiful, UT 84087 :

### Modification of Plan of Operations

Your Plan of Operations (Plan) serialized UTU-72296, for the removal of building stone and the construction of an additional access route on your Rusty Rock, Golden Eagle #2, Golden Eagle #4 placer mining claims located in portions of section 3 in T. 12 N., R. 17 W. and Section 35 in T. 13 N., R. 17 W. was approved by this office on April 4, 2005.

It has come to our attention that the official land records of the United States show portions of your Plan lie within an area withdrawn by Public Water Reserve No. 107, serialized in case file UTU-52338 dated January 21, 1983. A Public Water Reserve is withdrawn and closed to entry for nonmetalliferous mining under the Mining Law. The area withdrawn is the SW1/4SW1/4, Section 35 in T. 13 N., R. 17 W.

Your Plan is hereby modified to exclude the lands within the SW1/4SW1/4 of Section 35. All mining activity and the removal of building stone within this described area must cease and is no longer approved under your Plan UTU-72296. This includes talus slides 2, 4, 5, 6 and the western most portion of slide 3, from map 2, provided by the Utah Division of Oil, Gas and Mining and included in EA, UT-020-2003-0080.

### Appeal

If you do not agree and are adversely affected by this decision, you may request that the Utah BLM State Director review this decision. If you request a State Director Review, the request must be received in the Utah BLM State Office at P.O. Box 45155, Salt Lake City, UT 84145, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless the State Director grants a Stay. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at Salt Lake Field Office, 2370 South 2300 West, Salt Lake City, UT 84119 which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a) (1). Your Notice of Appeal must be filed in this office within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. Enclosed BLM Form 1842-1 contains further information on taking appeals to the IBLA.

If you have any questions, or require additional information, please contact Larry Garahana of my staff at (801) 977-4371.

Sincerely,



Michael G. Nelson  
Assistant Field Office Manager  
Non-Renewable Resources

Enclosure:

1) Form 1842-1

cc: Lynn Kunzler, Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210, Box 145801, SLC, UT 84114-5801